

REMARKS/ARGUMENTS

In the Final Official Action, claims 1-11 and 13-15 were rejected under 35 U.S.C. § 102(e) as being anticipated by KLEMENTS et al. (U.S. Patent No. 7,451,229 B2).

Upon entry of the present amendment, claims 1, 5, 7, 9, and 11 have been amended. Claim 12 was previously cancelled. Thus, claims 1-11 and 13-15 are currently pending for consideration by the Examiner.

Pursuant to M.P.E.P. § 714.13, Applicant contends that entry of the present amendment is appropriate because the proposed amended claims avoid the rejections set forth in the Final Official Action, resulting in the application being placed in condition for allowance, or alternatively, the revised claims place the application in better condition for purposes of appeal to the Board of Patent Appeals and Interferences. Furthermore, the amendment does not present any additional claims. Accordingly, entry of the present amendment is respectfully requested.

Claims 1-11 and 13-15 were rejected under 35 U.S.C. § 102(e) as being anticipated by KLEMENTS. With regard to independent claim 1, the Final Official Action asserts that KLEMENTS discloses all of the features recited in the claim. Contrary to this assertion, Applicant respectfully submits that KLEMENTS fails to disclose each and every feature recited in independent claim 1, as is required to sustain an anticipation rejection under 35 U.S.C. § 102.

For instance, with regard to independent claim 1 Applicants submit that KLEMENTS fails to disclose a *verification file* and a *conversion method determiner for selecting from among the plurality of stream converters at least one stream converter for changing the AV data to the specific video recording format based on verification file content*, as recited.

In the “Response to Arguments” section, the Final Official Action asserts that KLEMENTS “streaming media format header” corresponds to Applicant’s verification file,

primarily citing KLEMENTS' column 7, lines 31-36, which relate to KLEMENTS' Figure 3 that illustrates various messages between the KLEMENTS' client (106) and server (104). However, in distinct contrast to the conversion method determiner features recited above, KLEMENTS' "streaming media format header" is not used for selecting a specific stream converter for changing AV data into a specific video recording format, as is explicitly recited in independent claim 1. Instead, Applicant submits that that KLEMENTS' "streaming media format header" merely contains information that passively identifies a stream and contains descriptive information related to the stream from KLEMENTS' encoder (102). (See KLEMENTS' column 6, lines 24-54.)

Nevertheless, in order to expedite the prosecution of the present application to allowance, Applicant has amended independent claim 1 to explicitly recite that *the verification file includes information regarding the compatibility of AV data contained in a corresponding AV data file with a specific video recording format*, and that the verification file also includes *the identification of a device or software that created the AV data in the corresponding AV data file* (emphasis added). Applicant respectfully submits that KLEMENTS' "streaming media format header" does not include at least these features.

More specifically, Applicants submits that KLEMENTS "streaming media format header" does not include information regarding the compatibility of AV data contained in a corresponding AV data file with a specific video recording format, at least for the reason that such information would serve no purpose in KLEMENTS' system. Additionally, Applicant submits that KLEMENTS "streaming media format header" does not disclose the inclusion of the identification of the specific device, or the specific software, that created the AV data in the corresponding AV data file.

For at least the reasons discussed above, Applicant respectfully submits that KLEMENTS fails to anticipate amended independent claim 1 since KLEMENTS fails to disclose each and every feature recited in claim 1. Since amended independent claims 5, 9, and 11 recite features similar to the features recited in amended independent claim 1, Applicant submits that KLEMENTS also fails to anticipate amended independent claims 5, 9, and 11, for reasons similar to the reasons discussed above for amended independent claim 1. Additionally, Applicant submits that KLEMENTS fails to anticipate dependent claims 2-4, 6-8, 10, and 13-15 for at least the reasons discussed above regarding the independent claims, and further for the additional features recited therein.

Accordingly, Applicant respectfully requests that the rejection of pending claims 1-11 and 13-15 under 35 U.S.C. § 102(e) as being anticipated by KLEMENTS be withdrawn, and that an indication of the allowability of claims 1-11 and 13-15 be provided in the next Official communication.

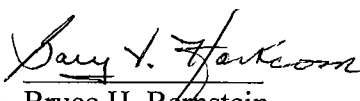
SUMMARY

From the amendments, arguments, and remarks provided above, Applicant submits that all of the pending claims in the present application are patentable over the references cited by the Examiner, either alone or in combination. Accordingly, reconsideration of the outstanding Final Official Action is respectfully requested and an indication of allowance of claims 1-11 and 13-15 is now believed to be appropriate.

Applicant notes that this amendment is being made to advance prosecution of the application to allowance, and should not be considered as surrendering equivalents of the territory between the claims prior to the present amendment and the amended claims. Further, no acquiescence as to the propriety of the Examiner's rejections is made by the present amendment. All other amendments to the claims which have been made by this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should there be any questions, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully Submitted,
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